D.B. CIVIL SPECIAL APPEAL (WRIT) NO.616/2006

Abdul Jabbar Gesawat **Vs.** State of Raj. & Ors.

Date : 20.9.2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HONBLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. S.P. Sharma for the appellant.

Having heard learned counsel for the appellant we are of the opinion that no interference is called for in the order passed by the learned Single Judge.

The appellant is aggrieved with the rejection of his prayer for grant of interim relief. We find that the interim relief claimed by the petitioner is to direct the respondents to release certain amount from the CM Relief Fund for the purpose of medical relief. We are of the opinion that principal relief claimed by the petitioner in the writ petition cannot ordinarily be granted by way of interim relief which may result in allowing the petition itself

The learned counsel for the appellant has stated that the learned Single Judge has not entertained his request for early hearing of the writ petition inter alia on the ground that the application for early hearing is to be placed before the Hon'ble Chief Justice. If that be so, the petitioner instead of taking the right way for seeking early hearing of the writ petition has chosen a wrong way by filing this appeal.

The appeal is, therefore, dismissed.

[GOPAL KRISHAN VYAS], J. [RAJESH BALIA], J.

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